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07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 JOSEPH ANDREW HYLKEMA, )  
10 Plaintiff, ) CASE NO. C11-0211-MAT  
11 v. )  
12 ASSOCIATED CREDIT SERVICE INC., ) ORDER DENYING MOTION TO  
etc., ) STRIKE AFFIRMATIVE DEFENSES  
13 Defendants. )  
14 \_\_\_\_\_ )

15 Plaintiff filed a Motion to Strike Affirmative Defenses (Dkt. 11) pursuant to Federal  
16 Rule of Civil Procedure 12(f), which allows the Court to “strike from a pleading an insufficient  
17 defense or any redundant, immaterial, or scandalous matter.” Fed. R. Civ. P. 12(f). He  
18 requests an order striking all of defendants’ affirmative defenses for failure to plead any or  
19 sufficient facts in support, and without leave to amend on the grounds of legal insufficiency and  
20 futility. However, in addition to objecting to plaintiff’s motion to strike (Dkt. 13), defendants  
21 submitted an amended answer and affirmative defenses containing sufficient facts in support of  
22 the affirmative defenses raised (Dkt. 12). Defendants did not require leave of court to file the

01 amended pleading given that they filed it within twenty-one days after service of their original  
02 pleading. Fed. R. Civ. P. 15(a). Considering the affirmative defenses as raised in the  
03 amended pleading, the Court finds no basis for plaintiff's motion to strike. Plaintiff's Motion  
04 to Strike Affirmative Defenses (Dkt. 11) is, accordingly, DENIED.

05 DATED this 24th day of August, 2011.

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08 Mary Alice Theiler  
09 United States Magistrate Judge  
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